



U.S. House of Representatives Committee on the Judiciary F. James Sensenbrenner, Jr., Chairman

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News Advisory

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Chabot Subcommittee Examines Legislation Protecting the Public Right to Religious Expression

What: Legislative hearing on H.R. 2679, the "Public Expression of Religion Act of 2005"
Who: Constitution Subcommittee – Rep. Steve Chabot (R-Ohio), Chairman
When: 10:00 a.m. Thursday June 22, 2006
Where: 2141 Rayburn Building

The Supreme Court has stated "the State may not establish a religion of secularism in the sense of affirmatively opposing or showing hostility to religion, thus preferring those who believe in no religion over those who do believe." However, contrary to that principle, current litigation rules are stacked against religious expression because those rules allow some groups to coerce States and localities into removing any reference to religion in public places.

CURRENTLY...

- ✓ Federal law allows people to sue the State or local governments for alleged constitutional violations of their individual rights. Consequently, any individual or group could sue a state or local government claiming their individual rights were violated and demand attorneys' fees in the case if they prevail at any stage of judicial review.
- ✓ Fearing the high cost of paying not only their own legal fees to fight the case, but the attorneys' fees of the plaintiffs, many localities without deep pockets are coerced to simply cave to demands to remove religious expression from the public square.
- ✓ Los Angeles County is spending around \$1 million to remove a tiny cross from the official county seal (symbolizing the founding of the County by missionaries), fearing the cost of litigation to defend the tiny seal. Thus, the seal now must be changed on approximately 90,000 uniforms, 6,000 buildings, and 12,000 county vehicles.

H.R. 2679 WILL...

- ➡ Amend current law to prohibit the awarding of monetary damages and/or attorneys' fees to prevailing parties in cases involving the Constitution's Establishment Clause. This will prevent the use of the legal system in a manner that coerces money from State and local governments and inhibits their constitutional actions, including religious expression.

WITNESSES: Mr. Rees Lloyd, Commander, District 21, The American Legion; Mr. Mathew D. Staver, Founder and Chairman, Liberty Counsel and Interim Dean, Liberty University School of Law; Mr. Marc Stern, General Counsel, American Jewish Congress; and Professor Patrick Garry, Associate Professor of Law, University of South Dakota School of Law.

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